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FM AMEMBASSY KATHMANDU
TO RUEHC/SECSTATE WASHDC PRIORITY 9156
INFO RUEHBJ/AMEMBASSY BEIJING PRIORITY 3662
RUEHLM/AMEMBASSY COLOMBO PRIORITY 3939
RUEHKA/AMEMBASSY DHAKA PRIORITY 8975
RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 1896
RUEHLO/AMEMBASSY LONDON PRIORITY 3358
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 8798
RUCNDT/USMISSION USUN NEW YORK PRIORITY 1687
RUEAIIA/CIA WASHDC PRIORITY
RUEHGV/USMISSION GENEVA PRIORITY 1027
RHEFDIA/DIA WASHDC PRIORITY
RHEHNSC/NSC WASHDC PRIORITY
RUEKJCS/SECDEF WASHDC PRIORITY

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E.O. 12958: N/A
TAGS: [PHUM](#) [PGOV](#) [PREL](#) [NP](#)
SUBJECT: INTERNATIONAL COMMUNITY EXPRESSES CONCERN OVER
CODE OF CONDUCT

REF: KATHMANDU 2488

¶1. (SBU) Along with others from the donor community and United Nations agencies, the Embassy signed the following letter to the Minister for Women, Children and Social Welfare regarding our concerns about the new Code of Conduct for NGOs (reftel). In the letter, the international community expressed worry that the Code of Conduct could be ill-used for political purposes. In addition to noting specific clauses that could be in violation of the International Covenant on Civil and Political Rights and other international human rights instruments, we highlighted concern that the Social Welfare Council did not consult with Nepal's NGO community. We suggested withdrawal of the Code and that the issue be revisited.

¶2. (U) Begin text of letter as written.

16 November 2005

Hon'ble Mrs. Durga Shrestha
Minister for Women, Children and Social Welfare
Ministry of Women, Children and Social Welfare
Singha Durbar
Kathmandu

Your Excellency,

I am writing on behalf of the group of donors and U.N. agencies listed below regarding the "Code of Conduct for Social Organizations and Associations 2062" which has been promulgated recently by His Majesty's Government.

It is our firm belief that civil society in all countries plays a crucial role in the promotion of democracy, human rights and development. However, in recent months, the international community has become increasingly concerned at the erosion of the rights and freedoms of civil society in Nepal. All governments should provide an enabling environment for the broad participation of civil society in all areas of development, social service provision, humanitarian assistance and human rights, including the right

to freedom of association. We believe the "Code of Conduct" is not conducive either to improving NGO governance or to fostering NGO endeavors. Moreover, it is inconsistent with Nepal's commitments and obligations under the International Covenant on Civil and Political Rights and other international human rights instruments. For example, provisions exerting governmental control over NGO access to funding from international donors, requiring that NGO programmes be in conformity with government policies and programmes, or requiring the NGO personnel observe Government policies and bear individual and collective responsibility for the activities implemented by the organization would violate Nepal's international human rights obligations, including the right to freedom of association.

As such, the "Code of Conduct" does not appear likely to contribute to the process of ensuring accountability and transparency and will be seen as another step to constrain the legitimate activities of civil society. The regulation of civil society should be the product of an open and active participatory and consultative dialogue and in this instance both the process and the wording have failed to take adequate account of the views of NGOs, both Nepali and international.

The donor community believes that the "Code of Conduct" clearly provides a means for undue political interference. It is also likely to hinder critical development activities as the independence and impartiality of Non Governmental Organizations are essential to work in rural areas and to support the population affected by the conflict. We therefore recommend that the current "Code of Conduct" be withdrawn and that this issue be revisited.

Yours sincerely,

/s/
Matthew Kahane
UN Resident Coordinator

On behalf of:
Embassy of Australia
British Embassy
Embassy of Canada
Embassy of Denmark
Delegation of the European Commission to Nepal
Embassy of Finland
Royal Norwegian Embassy
U.S. Mission to Nepal
German Technical Cooperation (GTZ)
SNV Nepal
Swiss Agency for Development and Cooperation (SDC)
UK Department for International Development (DFID)

And the following UN Agencies:
Food and Agriculture Organization (FAO)
International Labour Organisation (ILO)
Office for the Coordination of Humanitarian Affairs (OCHA)
Office of the High Commissioner for Human Rights (OHCHR)
UNAIDS
United Nations Development Programme (UNDP)
United Nations Educational, Scientific and Cultural Organisation (UNESCO)
United Nations Population Fund (UNFPA)
United Nations High Commissioner for Refugees (UNHCR)
United Nations Children's Fund (UNICEF)
World Food Programme (WFP)
World Health Organisation (WHO)

End text of letter.
MORIARTY